

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VANESSA OVEIDO

V.

**SAMUEL KOFI-OPATA &
VOLUME TRANSPORTATION, INC.**

§
§
§
§
§

C.A. NO.

JURY DEMAND

NOTICE OF REMOVAL

Defendants, Volume Transportation, Inc. and Samuel Kofi-Opata through undersigned counsel, petitions this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, for removal of this action currently filed in the 80th Judicial District Court of Harris County, Texas. In support of this petition, Defendants state as follows:

BACKGROUND

1. On February 26, 2021, Plaintiff, Vanessa Oveido filed an Original Petition against Volume Transportation, Inc. and Samuel Kofi-Opata, alleging personal injuries in a traffic incident with a motor vehicle and a tractor trailer that occurred on January 21, 2021. Plaintiff pleaded for damages in an amount less than \$75,000. This Petition is styled *Vanessa Oveido v. Samuel Kofi-Opata and Volume Transportation, Inc.*; Cause No. 2021-11217; and filed in the 80th Judicial District Court of Harris County, Texas.

2. On February 9, 2022, Plaintiff filed her First Amended Petition seeking damages in an amount more than \$250,000 but less than \$1,000,000.

DIVERSITY OF CITIZENSHIP

3. Plaintiff is a resident of Texas.

Defendant, Volume Transportation, Inc. is a corporation organized under the laws of the State of Georgia, with its principle place of business in Georgia.

Defendant Samuel Kofi-Opata is a citizen and resident of the State of Georgia.

Therefore, there is complete diversity between the parties.

BASIS FOR REMOVAL BASED ON DIVERSITY JURISDICTION

4. This cause may be removed pursuant to 28 U.S.C. Section 1441(a). “Any civil action brought in state court of which the District Courts of the United States have original jurisdiction, may be removed by the Defendant to the District Court of the United States for the district and division embracing the place where such action is pending.” This court has jurisdiction over this matter under 28 U.S.C. Section 1332 because there is complete diversity between the parties and the amount in controversy is greater than \$75,000.00. Plaintiff has specifically pleaded for damages over \$250,000 but less than \$1,000,000.

Timely Filed

5. Defendants were served with Plaintiff’s Amended Petition on February 9, 2022. This Notice of Removal is filed with this Court within thirty (30) days of service of the amended pleading upon the removing Defendants, as required by 28 U.S.C. § 1446(b)(3).

6. Defendants Volume Transportation, Inc. and Samuel Kofi-Opata are entitled to remove this action to the United States District Court for the Southern District of Texas, Houston Division, where the state court action is currently on file.

7. Pursuant to 28 U.S.C. §1446(b)(2)(A), all Defendants who have been properly joined have consented to the removal of this action.

Compliance With Notice Requirements

8. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument has been contemporaneously given to the Plaintiff. A true and correct copy of this Notice of Removal has

been contemporaneously attached as an exhibit with a written notice of removal filed with the clerk of State Court.

9. The District Clerk for Harris County, Texas, has been given written notice of the filing of this Notice of Removal.

10. Defendants, therefore, respectfully request the removal of this action from the 80th Judicial District Court of Harris County, Texas.

Respectfully submitted,

LORANCE THOMPSON, P.C.



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On this 25th day of February, 2022, a true and correct copy of the foregoing instrument was served electronically, in person, by mail, by commercial delivery service, by fax, or by email, to the following counsel of record:

M. Paul Skrabanek
Pierce Skrabanek, PLLC
3701 Kirby Drive, Suite 760
Houston, Texas 77098
Email: service@pstriallaw.com

A handwritten signature in blue ink that reads "Elizabeth L. Carey". The signature is written in a cursive style.

Elizabeth L. Carey